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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,172	03/26/2004	Jean-Claude Raoul	VA30462	7998

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INTELLECTUAL PROPERTY LAW DEPT.
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EXAMINER

MCCARRY JR, ROBERT J

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/810,172	Applicant(s) RAOUL, JEAN-CLAUDE	
	Examiner Robert J. McCarry, Jr.	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rader (US 5,063,859) in view of Maley (US 3,822,493) and further in view of Romca et al (US 6,578,795).

Rader discloses a railroad car body comprised of an upper deck and a lower deck, which defines upper and lower compartments. A plurality of seats are arranged in both the upper and lower decks of the railcar. A set of stairs and landing are positioned between the decks and allow passengers to move from one deck to the next. Each of the two stories of the car can be separated into compartments. The Examiner has interpreted that when a passenger enters through the center door they can go left or right into respective compartments of the train. Figure 11 shows the passenger car with a line marking a half section of the car. The right portion can be interpreted as one compartment and the same can be done with the left section. Figure 10 depicts a passenger section on the left of the figure and a platform area 98 on the right of the figure. These two sections can be interpreted as different compartments. Figure 9 shows the same interpretation with a passenger section and a kitchen area 110. The railcar is further comprised of end doors at either longitudinal ends of the car which

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allow passengers to move from one car to another in the train consist. Access doors are also placed on the sides of the railcar intermediate the ends of the car allowing passengers to board and disembark the car.

Rader discloses the railcar as disclosed above. However, Rader does not specifically disclose the use of identifying means on the railcar. It is well known in the art that railcars will have signs on the exterior to show the destination of the railcar or a specific car name or number. It is also well known in the art that railcars will also have identifying means on the interior to show passengers where certain sections of the railcar are, such as blocks of seat numbers, or to show the passengers where the exits are as well as what the is the next destination of the train. Maley discloses an example of a changeable sign used on a railcar to convey various pieces of information to the passengers. It would have been obvious to one of ordinary skill in the art to have used a sign, like that of Maley, on a railcar, like that of Rader, in order to convey pertinent information to the passengers of the car.

Romca et al discloses an identification sign mounted to a seat in the passenger cabin of a vehicle like that of an airplane, train ship or bus. It would have been obvious to one of ordinary skill in the art to have applied a seat, like that of Romca et al to a vehicle like that of Rader in order to allow passengers to readily identify their seats.

Response to Arguments

Applicant's arguments filed 02/08/06 have been fully considered but they are not persuasive. Applicant argues that it is not obvious to combine a sign like that of Maley to a vehicle like that of Rader and that it is also not well known in the art for train seats to

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have identifiers. The applicant states that this is not an obvious combination since train seats are typically not reserved and that trains are generally "open seating". The Examiner acknowledges that trains usually do follow a policy of "open seating". However, this is only a policy of the operators of the train lines. The physical seats can still have identifiers, such as seat numbers since the manufacturer of the seat applied these numbered plates. Furthermore, such train lines do in fact accept reservations and hold seats for passengers based on the class of travel. It is well known that on certain travel routes Amtrak operates Business Class, or First Class, rail cars where the passenger can reserve a specific seat.

Applicant also argues that the sign of Maley cannot be used inside and the combination does not further show a first identifying means and a second identifying means for finding seats. The Maley sign can clearly be used on the interior of the train as a first means and the signs of Romca et al mounted to the individual seats can be utilized as a secondary means.

Applicant also argues that the train car of Rader does not have a first story between the bogies of the car, instead the first story is atop the bogies. It is well known in the art that all railcars sit atop bogies. As shown in figure 6 the entrance and landing of the first story sits between the bogies, as the bogies are mounted at either end of the railcar.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. McCarry, Jr. whose telephone number is (571)

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272-6683. The examiner can normally be reached on Monday through Friday 7:00am to 3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joseph Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Robert J. McCarry, Jr.
Examiner
Art Unit 3617

RJM
April 5, 2006


S. JOSEPH MORANO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600